



The State of Texas
Secretary of State

I, CRAWFORD C. MARTIN, Secretary of State of the State of Texas, DO HEREBY CERTIFY that the attached is a true and correct copy of the Governor's veto message as filed in this office with H. B. 86 of the 58th Legislature, Regular Session, 1963.

I FURTHER CERTIFY that this is the veto message of the Appropriation Bill filed in this office on June 11, 1963.



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this

...13th day of ...September..., A. D. 196..3..

Crawford C. Martin
Secretary of State

In signing House Bill 86 of the Fifty-eighth Legislature, under the provisions of Section 14, Article IV of The Texas Constitution, I am vetoing the following items and listing below my objections to these items:

APPELLATE COURT REPORTS - Judiciary

\$ 42,888

The Appellate Court Reports are a duplication of a service already provided by other court reports which offer a quicker and more usable reference for use of State Agencies. Even if this service were necessary the funds appropriated for the printing and distributing of the reports are inadequate to accomplish the full purpose.

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MAINTENANCE SHOP - Austin State Hospital

\$ 85,000

This project is not in any way related to the care and treatment of the patient. Four buildings are now being used for maintenance work at the hospital. According to the Hospital Board, "the four buildings now in use for maintenance shops occupy a position on the hospital grounds detrimental to the appearances of this institution from the approaches; but mainly these service buildings should be combined into one shop unit and made more adaptable to supervisors and workers." The fact remains that there are maintenance shops now situated on the grounds of this institution. Although maintenance is a necessary function of any institution, combining facilities into one centralized location to make this service more adaptable to the employees does not fall in the category of essential needs of this state hospital.

THREE STAFF RESIDENCES - Big Spring State Hospital	\$ 60,000
TWO STAFF RESIDENCES - Denton State School	\$ 30,000

There was a time when fringe benefits such as housing were used to recruit hospital staff such as psychiatrists because we could not pay competitive salaries. However, this approach has not been successful and for the past several years the Legislature has had a policy of attracting personnel through salaries rather than with other emoluments. Under this appropriation bill the Hospital System will be in a far more competitive position with other states. . . . increases up to \$2,000 a year have been provided for psychiatrists salaries. This program of adequate salaries for professional personnel is good as it is an investment in brain power. However, the construction of new staff residences for medical personnel would be a departure from the existing policy and a return to the old which is not endorsed at this time.

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STREET LIGHTING SYSTEM - Kerrville State Hospital	\$ 20,000
San Antonio State Hospital	\$ 45,000

The request made by the Hospital Board for these projects is based upon the statement that "night lighting of the grounds would greatly improve control of the areas as well as aid traffic and pedestrians. These facilities would also enhance the general appearance of the institutions."

The Kerrville State Hospital was created in 1952. There has not been a street lighting system on the campus since that date. The population of this institution is composed of elderly, geriatric type patients whose nature is to retire early. A large majority of the patients at the San Antonio State Hospital fall in this category. If the Hospital Board believes that these street lighting projects are more urgently needed in comparison to more critical items for care and treatment of the patients, funds are available from other operating expenses or from the \$350,000 appropriated by the Legislature in unexpended balances to the State Hospital System.

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MAINTENANCE SHOP BUILDINGS - Rusk State Hospital	\$ 52,000
San Antonio State Hospital	\$ 70,000

As at the Austin State Hospital, these projects were requested on the basis of appearance and functional operations of the maintenance program of these institutions. The Hospital Board's long range capital budget proposal did not recommend either of these projects and they do not directly relate to cure and care of patients in either institution. The postponement of maintenance shop construction at these institutions is justified at this time.

* * *

NEW WAREHOUSES - Big Spring State Hospital (addition)	\$ 52,000
Rusk State Hospital	\$110,000
Terrell State Hospital	\$135,000
Wichita Falls State Hospital	\$135,000

Warehouse facilities at these institutions are now available and usable. None of these warehouses was included in the Hospital Board's long range building program except the addition at the Big Spring Hospital. While up-grading of the supply system may be desirable, this is ancillary to the care and treatment of patients, the same as maintenance shops and street lighting. Auxiliary services must be given auxiliary priorities in the expenditure of funds.

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AUDITORIUMS, GYMNASIUMS, AND RECREATION BUILDINGS -	
Abilene State School	\$200,000
Mexia State School	\$200,000
Travis State School	\$150,000

Recreation and entertainment programs of the mentally retarded patients at these schools are now being carried on within the day rooms of the existing ward buildings and chapels. Outside recreation programs are used extensively due to the excellent climatic conditions that Texas enjoys for outside activities.

Organized gymnastics requiring gym equipment is not customary and is highly questionable. Most of the recreation programs are group games or activities not requiring the ordinary type gym equipment.

The new appropriation bill has provided additional funds for the Houston Psychiatric Institute specifically for research into the causes and cure of the mentally retarded. Additional funds have been provided to the Health Department for prevention and testing of mentally retarded persons. The Hospital Board has been granted substantial increases for rehabilitation, care and treatment of the mentally retarded. All these items I have approved because they represent an investment to study the causes of this acute health problem. These building projects mentioned above fall into the non-essential category.

* * *

EXPANSION TO INCLUDE 800 ADDED BEDS - Lufkin State School
(Second year appropriation) \$ 1,390,000

In my budget recommendations, I concurred with the Legislative Budget Board and the House Appropriation Committee in the construction of 600 added beds at the Lufkin State School to meet the ever-increasing needs of the mentally retarded. I recommended \$2,100,000 for this purpose. This was \$875,000 more than was recommended by the Budget Board and the amount that was contained in the House bill. This figure is based on a cost of \$3,500 per bed for permanent construction.

In addition, I recommended a sum of \$3,500,000 for a complete new institution of 600 beds in the Gulf Coast area for the mentally retarded which was authorized by the Legislature.

Although the Legislature authorized two entirely new institutions for the mentally retarded to be located at Corpus Christi and in the West Texas area, it did not appropriate any funds for these schools. Should more beds be needed during the next two years, consideration should be given to these two locations as well.

Assuming construction of the 600 beds at Lufkin proceeds in an orderly manner, it will, in all likelihood, require two full years for completion. If it is determined then that more beds are required, no time will be lost in their construction.

By vetoing the second year only of this appropriation, this will still provide \$2,000,000 for the current biennium. This is within \$100,000 of the amount I originally recommended.

There is an additional factor involved--

The National Association for Mental Health has given its full blessing to the President's recommendations for a new approach for the care and treatment of the mentally ill and retarded. Assurances have been given that Congress will pass the needed legislation. Under this plan, massive federal assistance will be given for construction of community mental health centers in conjunction with existing hospital facilities. Research has shown that the most effective treatment is given to the mentally ill and retarded in their own communities, near family, friends and religious affiliations without the need of commitment. There is considerable psychiatric evidence that immediate and intensive short-term treatment in community centers can avert long-term hospitalization for many. Before we become further committed to the hospital-bed approach to care and treatment of the mentally infirm, this new approach should be thoroughly evaluated.

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CANTEEN AND BARBER SHOP - Travis State School \$ 60,000

Facilities are now available for barbering of the patients at the Travis State School. Presently there is one complete building with four barber chairs to handle the ambulatory patients. A large majority of the patients at the school are bedfast, and these patients must have their hair cut directly in the ward building.

A canteen is now available at the school; however, the Hospital Board has available under the new appropriation bill the sum of \$350,000 in unexpended balances that can be used for such purposes, if the Board considers this to be a top priority project.

* * *

CONFEDERATE HOME FOR MEN

\$ 2,200,000

I originally recommended to the Legislature that the Confederate Home be rebuilt because of the potential fire hazard to the geriatric patients housed there. The amount recommended was \$1,216,000. The Legislative Budget Board and the House and Senate versions of the appropriation bill did not recommend this item. The Conference Committee raised the amount \$984,000 to \$2,200,000.

After my recommendations were made, the Legislature, by H. B. 496, authorized the Legion Annex to the Kerrville State Hospital to provide 350 beds for geriatric patients. This annex was originally a tuberculosis hospital. It is of fireproof construction and is immediately available to accept patients.

The experts in the geriatric field advise that many elderly patients who are now in State Hospitals could and should be cared for in nursing homes with less cost and better treatment. Under the Kerr-Mills program, the federal government will provide medical assistance enabling many patients to be placed in private nursing homes.

Dr. C. J. Ruilmann, Director of Texas Mental Hospitals, informs me that 1,800 patients in State Hospitals are eligible for nursing home care under the Kerr-Mills program within the next two years.

The Governor's Committee on Aging, has studied the problems of senile patients in Texas State Mental Hospitals, and reports: "The solution to the problem does not rest with providing more and larger buildings. More trained workers to help the aged population, the expansion of services as alternatives to State Hospital care, and the development of education programs, are much more desirable than creating larger and larger storage facilities." The alternatives now available to the Hospital Board for eventually placing the patients in more adequate state facilities or nursing homes alleviate the need for the immediate construction of a new hospital to replace the Confederate Home for Men.

In addition this appropriation requests a complete rebuilding of the Confederate Home for Men now located in Austin. The policy in the past has been that prior

statutory authorization be given for the creation of new institutions or relocation of existing ones. This appropriation has a rider provision which states: "It is the intent of the Legislature that the Board. . . shall select and acquire . . . a site for a new institution for the mentally ill and senile to replace the Confederate Home for Men . . ." Another rider in the appropriation bill states: "New or additional institutions. No money appropriated by this Article may be spent for constructing new or additional institutions, or for the purchase of sites therefor, without specific authorization of the Legislature. All institutions shall be kept where they are located by the Legislature and all new buildings to be constructed shall be on these sites unless otherwise specifically authorized by the Legislature." These two riders are in direct conflict.

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NEW STREETS AND PAVING REPAIRS - Crockett State School \$ 6,500

This appropriation falls into the category of niceties rather than necessities. I stated in my message to the Legislature that we must make do for a while on some of our building projects to meet other needs. This is one of those projects.

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AIRPORT AND AERONAUTICAL FACILITIES - Aeronautics Commission \$ 200,000

The operating budget of the Aeronautics Commission has been increased \$22,111 or 17% over the present biennium. Under the appropriation bill, the Commission will have sufficient money to operate its airplane. Also, more money is provided to continue its work which consists primarily of fostering safety, promoting training and providing technical assistance in the construction of airport facilities.

The Commission has never had any State funds appropriated to it for construction of airports. The requested funds for construction are not supported by a master plan or a definite program. The need for State expenditures in this field is not critical. The Legislative Budget Board and the Governor did not recommend them and the House bill did not provide for them. It is felt that more pressing needs of our State should be

met before State funds are used in this area.

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SCREWWORM ERADICATION PROGRAM - Animal Health Commission -
Game and Fish Fund \$ 300,000

I have repeatedly recommended to the Legislature the appropriation of \$2,840,000 for the screwworm eradication program. To me, the value of this program to the economy of Texas is infinite... I was deeply disappointed that the Conference Committee directed the appropriation for part of this program from the Special Game and Fish Fund. This appropriation represents a diversion of funds contrary to the intent of the basic statute creating the Parks and Wildlife Commission which states:

"The Special Game and Fish Fund shall be used for the purpose provided herein and for the purpose as now described by law and nothing shall be done to jeopardize or divert this fund or any portion thereof including Federal aid as described in Section 6 of this Act." I have also repeatedly stated to the public and the Legislature that it was not my intent in recommending the consolidation of the Game and Fish Commission with the State Parks Board to divert Game and Fish funds. Therefore, this basic statute and the appropriation of \$300,000 in the general appropriations act conflict. I have no other choice but to veto \$300,000 of the screwworm eradication program. I assure you that my office will cooperate in every way to see that adequate funds are provided to complete the screwworm program successfully.

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FOR CONSTRUCTION OF A NEW STATE FINANCE BUILDING -
Building Commission \$ 3,600,000

Funds appropriated for this building are contingent upon a rider provision which requires that all data processing equipment for all Austin offices of the State government be housed in this building. However desirable such a centralized operation may be, the reliable studies to date question the feasibility of such a plan at this time. There are seven major and eighteen minor installations of Electronic Data Processing equipment

in State offices in Austin. Any centralized facility must be thoroughly planned in advance and efficiently operated after installation. However, no single State agency has the authority or qualified personnel to plan for and operate such a center. To proceed with the building under these circumstances could result in a monumental loss of money.

In addition, the cost estimates for the building are based on it housing only the Treasury Department and the Austin and State headquarters offices of the Comptroller. The plans on which the cost estimates are based do not call for the Electronic Data Processing Center, yet the rider on this appropriation requires that it be a part of the building. The funds appropriated are not sufficient to accomplish both purposes.

I plan to thoroughly investigate the feasibility of a centralized data processing center to achieve maximum efficiency. Undoubtedly, qualified specialists will have to lend their talents and experience to this project to determine how much equipment we should have, where and by whom it should be operated, and the type of structure necessary to house it. Detailed plans will be ready for the 59th Legislature.

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CLAIMS AGAINST THE STATE - General Revenue Fund	\$ 1,000,000
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The Attorney General has issued a letter to me that House Bill 804 (Claims Bill) makes an appropriation from the General Revenue Fund to satisfy all the claims against the State. For that reason I am vetoing the \$1,000,000 in the bill appropriated for this purpose.

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COMPLETION OF THE GOREE CELL BLOCK, KITCHEN AND DINING ROOM -	
Department of Correction	\$ 292,000
REMOVAL OF PLAQUE ON HUNTSVILLE UNIT	\$ 200

Under the Conference Committee Report, the Department of Corrections will have \$5,663,400 for buildings in the next biennium. This exceeds my recommendations by \$1,731,000 and that of the Legislative Budget Board by \$1,453,000. After budget hearings with the Department of Corrections, the Legislative Budget Board and the

Governor recommended \$215,000 for the construction at Goree. Both the House and Senate bills, also after hearings, appropriated the same amounts. However, the Conference Committee Report doubled this amount and appropriated \$430,000 for this construction. The amount of \$215,000 was based on public hearings held by four separate groups representing the Legislative and Executive branches of our State Government and each house of our Legislature. I am reluctant to believe that all facts involved in the appropriations were not fully weighed by these four bodies and that the Conference Committee found sufficient additional facts to double the appropriation. However, should the Board of Corrections consider that the large sum is critically needed, it has \$2,000,000 appropriated from its Mineral Lease Fund which can be used to insure completion of the project.

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OFFICE OF REGULATORY LOAN COMMISSIONER - Finance Commission
of Texas \$ 250,000

The Conference Committee appropriated \$250,000 from General Revenue Funds to enforce the "Texas Regulatory Loan Act" (S.B. 15, 58th Leg.). Attorney General's Opinion C-88 dated May 31, 1963 states: "Monies collected pursuant to the provisions of Senate Bill 15, Acts of the 58th Legislature, Regular Session, known as the 'Texas Regulatory Loan Act' shall be retained by the Regulatory Loan Commissioner to be used by the Commissioner in the enforcement of the provisions of Senate Bill 15, under the direction of the Finance Commission of Texas, as provided for in Senate Bill 15, and such monies are not subject to appropriation by the Legislature." Therefore, this item is vetoed to comply with the law.

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FOR CONSTRUCTION OF ROADS IN STATE PARKS COMPARABLE IN
STANDARDS AND DESIGN TO FARM-TO-MARKET ROADS -
State Highway Department \$ 300,000

The Highway Department has been building park roads since 1939. However, these roads have not been required to meet farm-to-market road specification at a cost of \$10,000 per mile. Park roads do not carry the volume and type of traffic that justify

this heavy type construction.

The Highway Department has been spending and will spend more than \$150,000 a year for park roads. However, under the Conference Committee Report not only must the roads be more expensive than necessary but only \$150,000 a year may be spent for park road purposes. Our parks are in bad need of development. The Highway Department has ample funds outside this appropriation to continue this vital work. Therefore, by veto of this item, construction of park roads will be increased rather than drastically decreased.

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PARK IMPROVEMENT - Parks and Wildlife Department \$ 451,900

Daingerfield State Park	21,000
Washington State Park	5,500
Monahans Sandhills State Park	4,000
Tyler State Park	128,000
Stephen F. Austin State Park	84,750
Lake Brownwood State Park	124,900
Atlanta State Park	21,000
Davis Mountains State Park	58,900
Ole Baylor State Park (rider)	3,850

At the direction of the 57th Legislature, Texas Tech undertook a comprehensive review of our present parks and our future park needs. This survey took two years. The Legislature appropriated \$70,000 for the study. This report recommended the immediate development of four parks at an estimated cost of \$1,600,000. The Legislative Budget Board, the Governor, the House and the Senate concurred in this recommendation.

The Conference Committee Report adds development funds for the above nine State parks, omitted one of the four parks recommended by the Texas Tech study and reduced the appropriations for the other three. Neither the Legislative Budget Board nor the Governor recommended any of the nine projects listed above. The House and Senate bills completely omitted all of them.

The Wheatley State Park was recommended by the Texas Tech study for \$250,000 in improvements, and the Legislative Budget Board, the Governor, the House and the

Senate concurred. This appropriation was completely deleted by the Conference Committee. This park, consisting of 4,500 acres of land worth over \$500,000, was given to the State upon the condition that \$250,000 be appropriated for improvements during the coming two years. This land is in one of the most beautiful spots in Central Texas on the Pedernales River. As the result of the deletion by the Conference Committee, the State completely lost title to this land.

The Conference Committee disregarded the recommendations of the Texas Tech study, the Legislative Budget Board, the Governor, the House Appropriations Committee, the Senate Finance Committee and the House and Senate members themselves. In addition, the Conference Committee knocked out funds needed to complete the Texas Tech study.

My action still leaves adequate funds for orderly development of our parks into something of which all Texans can be proud. The Parks and Wildlife Commission will inherit considerable reappropriated funds for capital improvements and has appropriated to it sufficient funds to help all present parks in operation--many on an expanded basis. Funds for park improvements totaled \$700,000 during the current biennium. Even after this veto, a sum of \$1,664,940 will still be available for park improvements and maintenance in the next biennium.

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WATER GAUGING STATION AND SILTATION GAUGE AT THE PRAIRIE DOG
FORK BRIDGE IN HALL COUNTY - Upper Red River Flood Control and
Irrigation District \$10,000

This item was not contained in the recommendations of the Legislative Budget Board or the Governor and was not included in the House or the Senate bill. It appeared for the first time in the Conference Committee Report. The Texas Water Commission has advised me that it would consider making this item one of its routine projects without the necessity of setting up a new agency or making a separate appropriation.

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FOR INVESTIGATION RELATING TO EVAPORATION CONTROL RESEARCH-

Texas Water Commission

\$ 30,000

This appropriation of \$15,000 each year is half the amount originally requested by the Water Commission for this project. Since that time, the Commission has informed me that it will withdraw its request for this project altogether; therefore, I am vetoing this appropriation for each year of the biennium.

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MUSEUM - Panhandle Plains Historical Museum (First year)

\$ 25,000

The current appropriation bill provides \$30,000 to the Panhandle Plains Historical Museum for construction of an addition to its building provided a like amount is received from private or local contributions. This \$30,000 is reappropriated plus an additional \$35,000 to provide a total of \$65,000 in general revenue funds. At the same time, required matching funds are reduced to \$15,000. Thus the State would bear 81% of the \$80,000 total cost of the building addition rather than 50% of the \$60,000 originally proposed. No request was made for these additional building funds in budget documents submitted to the Governor's office in July and October 1962. No mention of this need was made at the budget hearing held in the Museum Building before staff and members of the Legislative Budget Board, the Governor's office and the Texas Commission on Higher Education. This expenditure was not recommended by me or by the Legislative Budget Board, not contained in the House bill, and not in the Senate bill. It appeared for the first time in the Conference Committee Report. Even after my veto of the \$25,000 appropriated the first year, there remains a minimum of \$55,000 available to expand the Panhandle Plains Historical Museum Building--\$30,000 of general revenue funds reappropriated from the current biennium, \$10,000 appropriated from General Revenue in the second year of the next biennium and \$15,000 from private contributions. The Panhandle Plains Museum enjoys an enviable reputation and had a request for the appropriated funds been timely made and properly supported or should such a request be so presented in the future, it might well receive favorable consideration from my office, the Legislative Budget Board, the House Appropriation Committee, the House, the Senate Finance Committee, and the Senate. Appropriations for West Texas State University for teaching salaries, library and research are \$234,105 less than I recommended.

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UNIVERSITY OF TEXAS - Texas Memorial Museum (Second year)

\$ 81,288

For the current biennium the Legislature appropriated \$61,674 to the Texas Memorial Museum. To this appropriation The University added \$69,493 from other sources to provide a total of \$131,167. In its submission to my office and the Legislative Budget Board, The University requested \$129,574. The Conference Committee increased the total to \$162,576, which is \$47,002 more than was ever requested. Most of this added amount is represented by \$15,000 each year for an archaeologist to be employed by the Museum. No official of The University, the Chancellor's Office or the Regents ever requested the position, and it was not recommended by the Legislative Budget Board, the House Appropriations Committee, the House, the Senate Finance Committee, or the Senate; it appeared for the first time in the Conference Committee Report. Since I cannot reduce the total amount appropriated in either year to the requested amount, I have vetoed the second year's appropriation of \$81,288. This still leaves for the Texas Memorial Museum more than I recommended and provides a substantial increase over the amount appropriated for the current biennium. If after due deliberation and investigation by the proper University officials, the Regents feel an archaeologist is urgently needed, they can, as they have done in the past, transfer funds from other sources to augment the amount appropriated. It is also possible that I, the Legislative Budget Board, the House Committee, the House, the Senate Committee, and the Senate might have recommended the additional funds appropriated had a request been timely submitted and adequately supported by the officials charged with the administration of the Texas Memorial Museum.

The \$81,288 vetoed from the total appropriated to the University of Texas is minute when contrasted with the \$3,953,620 reduction by the Conference Committee in my recommendations for teaching salaries, library and research at the University of Texas.

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MAJOR REPAIRS AND REHABILITATION OF BUILDINGS AND FACILITIES 20 Four --Year Colleges and Universities

Appropriations for major repairs and rehabilitation of buildings--as the phrase implies--relate only to existing buildings. Not included is new construction of classrooms or other education buildings. All colleges and universities except Midwestern University and the University of Houston (which must rely upon direct legislative appropriation for all their building needs) finance new construction from the 5¢ ad valorem tax revenue or the Available University Fund.

Nor do the appropriations for major repairs and rehabilitation of buildings include any of the following:

1. The cost of "routine, ordinary, annual or periodic maintenance"--for which \$7,266,290 is appropriated in the 1963-65 biennium.
2. Utility costs--for which \$7,063,527 is appropriated.
3. Custodial Services--for which \$5,479,296 is appropriated.
4. Grounds Maintenance--for which \$2,199,541 is appropriated.
5. The administrative costs of plant management--for which \$4,185,430 is appropriated.

I have left intact all of these physical plant appropriations totalling \$26,291,991 for the next biennium.

I have applied, where possible, the same yardstick to building repair items at higher education institutions as that applied to buildings for other institutions and departments of State government.

For the current 1961-63 biennium, \$3,748,028 was requested by the colleges and universities for major repairs and rehabilitation (not including the Library Building at Midwestern University) ; of this requested amount the 57th Legislature appropriated \$1,506,575. For the 1963-65 biennium, \$3,096,438 was requested; I recommended \$1,100,148. The Legislature has appropriated \$2,024,039.

Of the amount appropriated, I have vetoed \$856,148.

But let me make clear that my veto does not necessarily prevent any institution from undertaking any project which its Board of Regents determines is of such paramount importance that it must be accomplished in the next biennium. In such event, the Board can shift other appropriated funds from items it deems of lesser priority, since all items except teaching salaries, libraries and utilities are transferable.

Of the 56 specific building projects I have vetoed, 54 were in the Senate version of the appropriation bill and 45 were recommended by the Legislative Budget Board. Only 20 were in the House version of the appropriation bill.

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TEXAS WESTERN COLLEGE OF THE UNIVERSITY OF TEXAS (both years) \$ 16,600

Of the \$16,600 total, \$7,700 is for paving streets, \$2,700 is for stage curtains, \$2,000 is for storage space under the football stadium and \$4,200 is for replacing auditorium seats with tablet arm chairs. While I recommended the auditorium seats, it is included in the first year's appropriation along with \$6,600 for paving and stage curtains. Since I can only veto the total for either or both years rather than individual projects within the total, I am compelled to veto the entire appropriation. If the Board of Regents of the University of Texas System feels that any one of these projects should have first priority from appropriated funds, the necessary money will be available in reappropriated balances or local fund income. Much more significant to the future of Texas Western College is the fact that there is appropriated for teaching salaries and library \$397,834 less than I recommended.

PRAIRIE VIEW A & M COLLEGE (Second year appropriation)

\$ 51,191

These funds are appropriated for 10 projects in the second year ranging from \$1,440 to \$11,000 each. I recommended expenditures for only three of these projects, and only one, \$9,560 for the sewage plant, was included in the House bill. All ten were in the Senate bill, but only four were recommended by the Legislative Budget Board. This appropriation bill provides \$51,796 for exactly the same buildings for which \$108,682 was appropriated during the current biennium. A review of the requests for these projects convinces me the amounts asked are primarily for an accumulation of "routine, ordinary, annual or periodic maintenance," which can be paid for from the \$142,484 appropriated for this purpose. Among the items vetoed are repairs to the Dairy Barn, Farm Shop and Poultry Nutrition Building. Veto of the \$51,191 for these projects is only one-tenth of the \$503,134 by which the appropriation bill reduced my recommendation for teaching salaries and libraries. The institutions are authorized to shift funds between appropriation items--except libraries, teaching salaries and utilities. Also, unexpended balances are reappropriated from year to year. Thus, such of the projects as, in the judgment of the Board of Directors of the A & M University System, should be accorded top priority may be accomplished from other sources.

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TEXAS TECHNOLOGICAL COLLEGE (Second year)

\$ 36,285

Of the amount vetoed, \$15,135 is for campus lighting, \$6,150 is for sidewalks and \$15,000 is for the construction of a freight elevator. None of these projects was included in my recommendations. All three were recommended by the Legislative Budget Board and the Senate bill but only two were in the House bill. Campus lighting in the immediate vicinity of the new Library Building is a legitimate charge against the 5¢ ad valorem tax revenue used for the construction of the building itself. (Art. VII, Sec. 17 of the Constitution and Attorney General's Opinions V 931 and R 2908.)

Provision for campus lighting around the non-educational buildings--dormitories and the student union building--surely could have been included in the original construction plans or financed from dormitory or student union receipts. The cost of the freight elevator is also a legitimate item for expenditure of 5¢ ad valorem tax funds. (Attorney General's Opinion V 848). The first year's appropriation of \$52,922 includes \$15,135 for campus lighting, \$6,150 for campus sidewalks and \$3,530 to replace tile and fixtures in restrooms. Unfortunately, these items are included along with total funds for five other projects directly related to classroom instruction, and, veto of the full amount for the first year would jeopardize these essential alterations. Thus, I have requested the Board of Regents of Texas Technological College to delay these three projects until they can be re-examined in the light of appropriations for teaching salaries, library and organized research which are \$1,062,048 less than I recommended. Street lighting and sidewalks, though desirable for comfort and aesthetic reasons, surely should not take precedence to the teacher in the classroom nor the library book in the hands of the student.

With regard to the items I have vetoed, the Board of Regents of Texas Technological College is permitted sufficient flexibility under the appropriation act to shift its appropriated funds and reappropriated balances--except for those for teaching salaries, library and utilities--so as to meet emergencies and first priority demands. Thus, if in the Board's judgment, any project for which I have vetoed the appropriation is of overriding importance, it can still be completed. While the bill appropriates several hundred thousand dollars for air conditioning both auditorium and classroom buildings at other institutions, there was general agreement with my position insofar as it applied to Texas Tech. Neither the Legislative Budget Board, the House Appropriations Committee, the House, the Senate Finance Committee, the Senate, nor the Conference Committee recommended or appropriated any part of the \$328,020 requested by this institution for air conditioning classrooms. I have exercised my right of veto to assure that, wherever possible, air conditioning from educational funds is postponed at all twenty institutions.

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NORTH TEXAS STATE UNIVERSITY (Second year)

\$ 100,850

Funds are appropriated for only two projects, \$94,850 for rewiring and plumbing repairs to the historical building and \$6,000 for replacing a steam line. Neither of these projects was in the House version of the bill, and I recommended only \$6,000 for the steam line. Both were recommended by the Legislative Budget Board and the Senate bill. The only request received by my office for the Historical Building was "Rewiring Historical Building and rehabilitation of heating system including convectors, \$49,850." No supplemental request for a larger amount was ever made; the additional \$45,000 appropriated appears to have resulted from a typographical transposition of the digits 4 and 9 to 9 and 4. Rather than concur in this apparent excess appropriation for building repairs, I prefer to veto this item, particularly since appropriations to North Texas for teaching salaries, library and organized research are \$1,138,765 less than I recommended. If the Board of Regents attaches top priority to the projects for which \$55,850 was requested, it can shift the necessary funds within appropriated amounts--except for teaching salaries, library and research--or allocate reappropriated balances.

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TEXAS COLLEGE OF ARTS AND INDUSTRIES (First year)

\$ 28,834

Of the \$28,834 appropriated for 1964, all but \$2,375 is for paving (\$16,200), auditorium drapes (\$5,400), water line to the college farm (\$2,573) and rehabilitation of the swimming pool (\$2,286). I recommended only one of these five projects; four were recommended by the Legislative Budget Board; only two were in the House bill; and all five were in the Senate bill. The second year's appropriation is not vetoed. It is inconsistent with my concept of excellence to spend money for paving and drapes--asphalt and velvet--in the face of our dire need for teaching salaries, libraries and research. For these three items alone, \$357,336 less than I recommended is appropriated to Texas A & I. Because local fund balances are reappropriated and shifts of funds permitted between items--except teaching salaries, library and utilities--the Regents can still undertake such of these projects as it deems should take precedence over other needs of the College.

* * *

TEXAS WOMAN'S UNIVERSITY (Second year)

\$ 8,712

The second year's appropriation of \$8,712 includes \$5,610 for repairs to street, walks and drives. In contrast, only \$1,079 of the first years appropriation of \$62,020, which is not vetoed, is for the same purpose.

Contrasted to my veto of these projects was a reduction by the Conference Committee of almost \$25,000 for the next biennium in organized research below the amount appropriated for the current biennium.

The retrenchment of this vital research program and the reduction in teaching salaries and libraries provides this institution with \$304,704 less than I had recommended in these three areas.

* * *

TEXAS SOUTHERN UNIVERSITY (First year)

\$ 35,321

Of this \$35,321, \$9,181 is for paving and sidewalks and \$14,500 is for auditorium curtains and carpets. In 1961, the Legislature authorized Texas Southern to use all of its tuition income for acquiring, constructing, repairing, and equipping buildings. Instead of reserving any portion of this approximately \$500,000 yearly for repairs, the full amount was committed to servicing the bonded indebtedness for new construction. Thus, in addition to receiving its share of 5¢ ad valorem tax funds and statutory diversion of all of its tuition to new construction, repair projects were requested. I recommended none of those for which funds are appropriated. The expenditure for auditorium curtains and carpets was not recommended by the Legislative Budget Board, was not in the House bill, and was not in the Senate bill; it was added by the Conference Committee. More vital to quality education is the omission of \$549,410 I recommended for teaching salaries, library and research.

* * *

MIDWESTERN UNIVERSITY (First year)

\$ 76,199

Of the \$76,199 appropriated the first year, \$24,909 is for street lights, side-walks and paving and some \$20,000 is for air-conditioning. The appropriation for the second year is not vetoed.

The legislature appropriated as a special item \$1,730,000 for a new science building at this institution, since Midwestern does not participate in the 5¢ ad valorem tax funds but must get its building funds from direct appropriations. I have consistently recommended this project as one directly connected with improved instructional programs. I endorse it now. Most of the projects which I have vetoed do not fall in this essential category as contributing directly to the quality of instruction. Since space is and will continue to be at a premium at this University, I recommended remodeling the Old Library Building, excluding the air conditioning. But the appropriation bill provides this item in the total which I am compelled to veto in order to eliminate the non-essential.

Of particular concern to me was the \$136,836 reduction made by the Conference Committee in my recommendations for teaching salaries, research and libraries.

* * *

UNIVERSITY OF HOUSTON

No Veto

The University of Houston is one of the two institutions which has no source of building funds other than General Revenue or local income. Of the \$159,410 provided for building repairs, there is \$31,600 for paving streets, but \$13,600 is in the first year total and \$18,000 in the second. I cannot reach these projects by veto without eliminating all \$159,410 appropriated.

In contrast to its treatment of other colleges and universities, the appropriation bill provides amounts considerably in excess of my recommendations in several areas-- for example \$453,934 more for general administrative expenses, \$234,112 more for departmental operating expenses and \$137,850 more for physical plant costs. Altogether,

these increases total some \$1,400,000 above my recommendations; at the same time, amounts appropriated for teaching salaries, library and research are \$1,656,360 less than I recommended. Accordingly, I shall request the Regents of the University of Houston, all nine of whom I shall appoint when this institution becomes fully State-supported on September 1 of this year, to give consideration to redistributing the funds appropriated--within limits prescribed by law--to assure the greatest strides towards excellence. This request will include consideration of shifting amounts appropriated for paying to areas more productive of quality education.

* * *

EAST TEXAS STATE COLLEGE (First year) \$169,217

None of the projects for which this appropriation was made were included in my recommendations. The Legislature appropriated \$70,000 in the current (1961-63) biennium to repair the Education Building at East Texas State College, but these funds were diverted to a project with a higher priority for which the appropriated amount proved inadequate. The College in October, 1962, requested \$93,261 to make the repairs which it was unable to make because of the transfer; the House bill appropriated this amount. The Senate Finance Committee added \$70,000 for repairs to the Education Building. In the Conference Committee Report both the \$93,261 and \$70,000 were retained, but the purpose for which the \$70,000 was appropriated was changed to repair of science and language laboratories. My office has never received a request for this latter project, and it was not contained in either the July or the October budget submissions. Repairs to science and language laboratories were not recommended by the Legislative Budget Board, and were not contained in the House bill, nor the Senate bill; it appeared for the first time in the Conference Committee Report. This \$70,000 could have been applied to the \$424,096 by which the appropriation bill reduced my recommendations for teaching salaries, library, and research. It is possible that a request for science and language laboratory repairs would have received favorable consideration by me, the Legislative Budget Board, the House Appropriations Committee and the House had a request been timely submitted and adequately supported.

* * *

SAM HOUSTON STATE TEACHERS COLLEGE (Second year)

\$ 14,645

Of the amount appropriated the second year, \$10,000 is to sandblast, paint and replace blinds in the Library Building. At the same time, the appropriation for library books is reduced \$9,922 below the amount appropriated for the current biennium (1961-63), and the total for library is \$128,724 below the amount I recommended. Certainly it is more desirable to place library books in the hands of students than to provide pleasant surroundings in which they can be read. If conversion of the basement floor of the Education Building to classrooms costing \$4,645, the other item vetoed, is an urgently needed project, the Board of Regents possess sufficient leeway under the appropriation bill to shift funds from other appropriated amounts and reappropriated balances. A total of \$575,479 less than I recommended is appropriated for teaching salaries, library and research to this institution.

* * *

SOUTHWEST TEXAS STATE COLLEGE (Second year)

\$ 94,166

Of the \$94,166 appropriated the second year, \$48,750 is for air conditioning. I believe that other, more pressing needs relate more directly to progress toward excellence in higher education. Only two of the six projects for which funds are vetoed were in the House version of the appropriation bill; air conditioning was excluded. The funds I have vetoed also include \$19,587 for necessary expansion of the water system and an additional \$9,000 for chemistry laboratories. As with other items, my choice was a hard one since my alternatives were to veto either one or both year's appropriation, and the air conditioning total of \$153,166 is divided almost equally between the two years. Unfortunately the first year's appropriation of \$59,000, which I have not vetoed, provides \$50,000 for air conditioning the auditorium (the bill describes the project as "modernize and rehabilitate auditorium" but the request was for air conditioning) coupled with an appropriation of \$9,000 for refurnishing chemistry laboratories. I have accordingly vetoed the second year and requested the Board of Regents to re-examine

its application of the remaining \$59,000 so as to apply it to the projects having top priority. I cannot conscientiously concur with spending \$153,166 for air conditioning--particularly the part for an auditorium--when the appropriation bill provides \$380,848 less than I recommended for teaching salaries, library and research.

* * *

STEPHEN F. AUSTIN STATE COLLEGE (Second year)

\$ 176,128

Of the total appropriated for both years, \$241,000 is divided equally between two buildings for electrical and plumbing repairs and to provide central heating and air conditioning, one building to be completed each year. Of the three items comprising the total I have vetoed in the second year, none was recommended by me, none was in the House version of the bill and only one was recommended by the Legislative Budget Board. All three were in the Senate bill. Since money was provided for major repairs to the two buildings in such a way that it may be divided between them and spread between the two years, sufficient money is available in the \$120,500 appropriated the first year to complete all requested repairs to both buildings--except for air conditioning equipment. Consistent with my position with regard to this type expenditure wherever it appears, I have asked the Board of Regents for the Teachers Colleges to delay any air conditioning installation until other, more urgent needs have been met. The appropriation for teaching salaries, library and research is \$270,893 less than I recommended.

With respect to \$17,361 appropriated to convert an old warehouse, the Legislative Budget Board advised me that approval for the construction of its replacement should be conditioned on .no additional or supplement appropriation request. .by Stephen F. Austin State College to accomplish the conversion of the existing warehouse." Neither the Board, the House Committee, the House itself nor I recommended this appropriation, which I have also vetoed. Nor were funds for conversion of the Student Center recommended by any of these. This building was put together using World War II surplus barracks enclosed with brick veneer. In recent years it has been used for storing inoperative military surplus equipment and is badly deteriorated. It is doubtful that the proposed expenditure would result in sufficient repairs to assure more than the most limited short-term use of this space. If, however, these projects are of such urgent necessity as to require a shift of funds from other sources, the Regents can make the necessary transfers from appropriated funds or reappropriated balances--except from teaching salaries, library or utilities.

* * *

SUL ROSS STATE COLLEGE (Second year)

\$ 48,000

Of the \$48,000 appropriated the second year, \$40,000 is for a Physical Education Annex. Neither of the appropriation requests submitted to the Governor's office in June or October of last year contained this item, and my office has not received a supplemental request for this project. It was not recommended by the Legislative Budget Board, nor in the bill passed by the House, and not in the bill passed by the Senate; it appeared for the first time in the Conference Committee Report. Sul Ross participates in the 5¢ ad valorem tax revenue, which is a legitimate source of funds for this new construction. Further, the college has indicated it will construct a new gymnasium costing \$450,000 from the same source in 1964.

Unfortunately, the first year's appropriation includes \$10,000 for seal coating campus streets, and \$50,000 to enclose a swimming pool coupled with \$65,000 appropriated for a vitally needed expansion of the heating plant. This swimming pool project was not recommended by the Legislative Budget Board nor was it in the House bill. It was in the Senate bill. Since I am unable, by veto, to reach the swimming pool enclosure without also eliminating the power plant expansion, I have asked the Board of Regents to hold in abeyance the swimming pool project until it has reviewed all other budget items and given consideration to transferring this appropriation to partially compensate for the \$125,374 reduction in my recommendations for teaching salaries, library and research.

* * *

BOARD OF INSURANCE - Rider Provision

The State Liquidator shall be appointed by a majority of the Board of Insurance and this appointment shall be subject to the approval of the Attorney General of Texas. None of the money herein appropriated for Board Member's salaries shall be paid by the State Comptroller until the Attorney General's approval of this appointment has been obtained.

If the Legislature deems it advisable to place the office of the Liquidator in the Attorney General's Department, I would have no objection. But such a transfer should be effected by a general statute rather than by a rider to the appropriation bill.

House Bill 86 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Regular Session of the Fifty-eighth Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I
have hereunto signed my name
officially and caused the seal
of State to be affixed hereto
at Austin this 11th day of
June, 1963.

By the Governor:

Secretary of State

AN ANALYSIS OF THE GOVERNOR'S ITEM-VETOES IN H.B. NO. 86

(General Appropriations Act, 1964-65 Biennium)

Prepared in response to requests by the staff of the
Legislative Budget Board, 14 June 1963

SUMMARY TABLES

A. Amounts Vetoed by Articles in H.B. No. 86

	<u>General Revenue</u>	<u>Other State Funds</u>	<u>Total</u>
I. Judiciary	\$ 42,888	\$	\$ 42,888
II. Hospitals and Special Schools	5,000,500		5,000,500
III. Executive & Ad- ministrative Agencies	2,030,250	4,400,000	6,430,250
IV. Public Education	<u>962,436</u>	<u></u>	<u>962,436</u>
Totals	<u>\$ 8,036,074</u>	<u>\$ 4,400,000</u>	<u>\$ 12,436,074</u>

B. Amounts Vetoed by Purposes

	General Revenue	Other State Funds	Total
1. Operating programs	\$ 1,329,038	\$ 300,000	\$ 1,629,038
2. New Construction:			
a. Hospitals for mentally ill	\$ 2,919,000	\$	\$ 2,919,000
b. Schools for mentally retarded	2,030,000		2,030,000
c. Correctional institutions for adults	292,000		292,000
d. Airport facilities		200,000	200,000
e. Finance Building		3,600,000	3,600,000
f. Park Development	421,400		421,400
Subtotal, New Building Construction	\$ 5,662,400	\$ 3,800,000	\$ 9,462,400
3. Major repairs and rehabilitation of physical structures and facilities:			
a. Hospitals for mentally ill	\$ 45,000	\$	\$ 45,000
b. Schools for mentally retarded persons	-0-	-0-	-0-
c. Homes for dependent and orphaned children	-0-	0-	0
d. Correctional institutions for youths	6,500		6,500
e. Correctional institutions for adults	200		200
f. Park roads		300,000	300,000
g. Parks rehabilitation	30,500		30,500
h. 20 four-year colleges & Universities	962,436		962,436
Sub-total, major repairs & rehab.	\$ 1,044,636	\$ 300,000	\$ 1,344,636
Totals	<u>\$ 8,036,074</u>	<u>\$ 4,400,000</u>	<u>\$12,436,074</u>

C. Amounts Vetoed by Governmental Functions

(Standard definitions by the U. S. Bureau of the Census)

	<u>General Revenue</u>	<u>Other State Funds</u>	<u>Total</u>
1. Public Education	\$ 962,436	\$	\$ 962,436
2. Public Health & Hospitals	4,994,000	300,000	5,294,000
3. Public Welfare	-0-	-0-	-0-
4. General Control	1,292,888	3,800,000	5,092,888
5. Other:			
a. Corrections	\$ 298,700	\$	\$ 298,700
b. Public Safety	-0-	-0-	-0-
c. Natural Resources	<u>488,050</u>	<u>300,000</u>	<u>788,050</u>
Sub-total, Other	<u>\$ 786,750</u>	<u>\$ 300,000</u>	<u>\$ 1,086,750</u>
Total	<u>\$ 8,036,074</u>	<u>\$ 4,400,000</u>	<u>\$12,436,074</u>

D. Vetoed Amounts Which by Law Can be Expended for Dedicated

Purposes Only

1. Gross amount of items vetoed	\$ 12,436,074
2. Less, Constitutional Building Fund item*	3,600,000
3. Less, Highway Fund item	300,000
4. Less, Aircraft Fuel Tax Fund	200,000
5. Less, Game and Fish Fund	<u>300,000</u>
Remainder, or maximum amount available for instructional salaries, libraries and research in State colleges and universities	<u>\$ 8,036,074</u>

* Should the Governor choose to call a special session, it is theoretically possible for the \$3.6 in Building Fund moneys to be applied to construction projects now financed from General Revenue, thereby freeing the equivalent amount of General Revenue dollars so they might be applied to excellence in higher education. This would raise the maximum amount available for higher education excellence to \$11,639,924.

Factual Comments on Governor's Item-Vetoes

ARTICLE I, JUDICIARY

Appellate Court Reports, page I-8, General Revenue, \$42,888.

Abolishing these Reports has been an issue considered by Legislatures three times during the past decade. While the Governor's reasons for the veto are cogent, the 58th Legislature declined to repeal the basic statutes authorizing them for two apparent reasons. In the absence of State-published Reports, a public library such as the Legislative Reference Service can no longer interchange with other States for similar appellate court reports. The volumes of other State appellate decisions will have to be purchased. The costs will make the "savings" from the veto considerably less than appears on the surface. Fears also have been voiced that abandonment by the State of this service leaves private law book publishers in a near-monopoly, and that prices for their product probably will rise sharply.

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS

Vetoed items in this portion of the general appropriations act totaled \$5,000,500. All but \$6,500 in that total was in the program of building construction, major repairs and rehabilitation, for hospitals and special schools under the State Hospital Board,

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

The vetoes reduced the percentage of total 1964-65 expenditures in Texas for the "health and hospital" function of state governments from 5.01% as enacted by the Legislature, to 4.87%. The average expenditure by all states for this governmental function has been 7.34%.

The veto proclamation states in several places that \$350,000 appropriated by the Legislature from unobligated balances in prior appropriations may be used to finance some of the items vetoed. This is inaccurate. The \$350,000 was specifically applied to financing the total building-and-repair program, and is not available for vetoed items.

For convenience and simplicity, these analytical comments are organized by kinds of items vetoed:

<u>Maintenance Shops--</u>	Rusk State Hospital	\$ 52,000
	San Antonio State Hospital	70,000
	Austin State Hospital	85,000
 <u>Warehouses--</u>	 Big Spring State Hospital	 52,000
	Rusk State Hospital	110,000
	Terrell State Hospital	135,000
	Wichita Falls State Hospital	<u>135,000</u>
 Sub-total		 <u>\$ 639,000</u>

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

The veto proclamation gives two kinds of reasons for vetoing such items. Maintenance shops and warehouses are auxiliary services in the State's hospitals for the mentally ill, and such items deserve a lower priority in the expenditure of funds. Second, they are not directly related to the care and treatment of patients which is the primary purpose of such institutions.

The issue is one of judgment. However, an analyst must wonder whether the Governor's judgment would have been the same had the following information been available for his consideration:

--An experienced independent engineer was employed by the Legislative Budget Board in the fall of 1962 to check budget requests for such facilities as to the soundness of need and the reasonableness of cost estimates. The following typical comments are excerpted from his report on the facilities identified above for Rusk State Hospital:

"The buildings on site are in poor or deplorable condition. The roofs are too rotten to bear the weight of repair, the floors are broken and worn. Seepage through the walls and leaks in the roofs are so bad that repair is impossible. Construction of these buildings would be an economy in maintenance alone and make for more efficient operation; also the fire marshal condemned these buildings and deplored the congested streets. The present setup is scattered all over the grounds and is housed in deplorable buildings that are a fire hazard as well as unlighted and leaking."

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

--At San Antonio State Hospital cans of paint have been stored under staircases in the absence of adequate maintenance-shop room. The City Fire Marshal quite sharply criticized the practice as a fire hazard. Losses from pilferage of tools and materials in small, scattered buildings located in unlighted areas, had concerned the hospital management, the Hospital Board's administration, and Legislative committees.

--Austin State Hospital's "maintenance shop" is now a dilapidated hut; part of the floor is dirt. Since 1950, Texas Legislatures have appropriated funds primarily for patient housing and for personnel to care for and to treat the patients. Growing concern with inadequate inventory controls, wasted man-hours resulting from unorganized warehousing and maintenance facilities, caused both the Hospital Board's administration and Legislative committees to give sharp attention to these aspects of physical facilities for the first time in 12 years.

--Supplies at the Big Spring State Hospital are stored in an old barn-like structure and in six or seven other smaller locations. No warehouse facilities have been added since the hospital's patient population was about 400. The Hospital now cares for 950 patients. A similar situation exists at Wichita Falls State Hospital.

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

--Following his on-the-ground inspection, the professional engineer concluded that the proposed warehouse for Terrell State Hospital "would be a saving as the present system is scattered over a large area and in old and dilapidated buildings."

Staff Residences--

3 at Big Springs State Hospital	\$ 60,000
2 at Denton State School	<u>30,000</u>
Sub-total	<u>\$ 90,000</u>

The veto proclamation considered these proposed staff residences as "fringe benefits" to help recruit psychiatrists. This is misleading. H.B. No. 86 does not authorize emoluments for staff psychiatrists. If a staff psychiatrist occupies such institutional housing, he pays a rental rate that must be approved by the Governor.

Considerations that persuaded Legislative committees to approve the residences at Big Spring were these: Because a large Air Force Base is located at Big Spring, desirable rent-property is scarce. The Big Spring State Hospital for treating and curing mentally ill patients has never had a psychiatrist on its full-time staff. Occasionally the position title "Psychiatrist I" has been used for general medical practitioners who have had at least one year of experience in treating mentally ill patients.

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

But the Hospital has never had, and does not yet have, a physician eligible for or certified by the specialty board in psychiatry of the American Medical Association.

Considerations for the residences at the Denton State School for mentally retarded persons were quite different. H. B. No. 86 does authorize house and utilities for four key-persons in operating the institution: superintendent, business manager, plant engineer, and medical director. The School now has only two housing units. Furnishing house and utilities was not for personal convenience, but from the conviction that patients are better cared for by having those four officials available at all times. The School is located 6 miles from Denton.

The veto proclamation also stated that "construction of new staff residences for medical personnel would be a departure from the existing policy and return to the old which is not endorsed at this time." Actually, the current appropriations act authorized three doctors' residences (at Rusk State Hospital), which have just been completed. Desirable rental property there also is extremely scarce. The difficulty of attracting and holding competent medical staff has been long-standing.

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

Street Lighting--

Kerrville State Hospital	\$ 20,000
San Antonio State Hospital	<u>45,000</u>
Sub-total	<u>\$ 65,000</u>

The veto proclamation includes the explanation that "The population of this institution (Kerrville) is composed of elderly, geriatric type patients whose nature is to retire early. A large majority of the patients at the San Antonio State Hospital fall in this category." The description of the type of patients is quite accurate. The inference that there is no pedestrian traffic after sundown is inaccurate. Not only do patients have occasion to move around the hilly terrain at Kerrville after nightfall, but also the changing of shifts in a 24-hour-a-day operation requires considerable employee traffic. Women personnel arriving for duty after daylight have particularly complained about inadequate lighting. At the San Antonio State Hospital, lack of adequate street lighting had been cited as one reason for a high level of petty thefts and pilferage.

Auditoriums, Gymnasiums, and Recreation Buildings (Schools for mentally retarded persons)--

Abilene State School	\$ 200,000
Mexia State School	200,000
Travis State School	<u>150,000</u>
Sub-total	<u>\$ 550,000</u>

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

The judgmental issues presented by these items are even more difficult for any analyst seeking to be wholly objective. The veto message pointed out that recreation and entertainment programs for mentally retarded patients are now being carried on in day rooms of existing ward buildings and chapels; that outside recreation programs are used extensively due to the excellent climatic conditions that Texas enjoys for outside activities; and that the projects were non-essential.

The superintendents, therapists, Hospital Board administration, and many parents believed that such facilities are necessary for the proper care of such patients, and to reduce the need for disciplinary steps among ambulatory patients who live under restricted conditions.

Budget examiners know of no yardsticks by which the value of such facilities can be accurately measured.

Canteen and Barber Shop, Travis State School \$ 60,000.

Bases for the veto included the observations that a four-chair barber shop and a canteen now exist at the school; and that "A large majority of the patients at the school are bedfast, and these patients must have their hair cut directly in the ward building."

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

Travis State School is an all-male institution. The patient-population has grown from 1,241 in fiscal 1962 to 1,850 currently. Only about 200 of those patients are bed-fast, --considerably less than a large majority. The present four chair barber shop located in a frame building does provide haircuts and shaves, but necessarily on a mass, production line basis.

Expansion to include 800 beds, Lufkin State School for mentally retarded persons. (only the second-year portion of the appropriation was vetoed) \$1,390,000.

Among the Governor's considerations were the fact that an appropriation of \$2,000,000 left in the bill would provide for expansion at this new School; that a new school at Richmond was partially financed by the bill; but that two additional institutions for the mentally retarded authorized by the 58th Legislature to be located at Corpus Christi and in the West Texas area were provided no funds.

The Conference Committee on appropriations was motivated in its recommendation by the list of persons now waiting for admission in such State Schools, currently numbering about 1,400. That Committee thought it wiser to meet part of that demand by quickly enlarging the Lufkin School which now has about 450 beds nearing completion, thereby reducing unit operating costs; and that construction of the new insitutions at Corpus Christi and in West Texas should be postponed two years due to the scarcity of available funds.

ARTICLE II, HOSPITALS & SPECIAL SCHOOLS
(Continued)

New institution to replace Confederate Home for Men
\$2,200,000.

The reasons cited in the veto message respecting this item evidence some haste in the consideration. For example, it states that the House version of the bill did not recommend this item. Actually, the House version of the bill authorized this very item, but undertook to finance it from unexpended balances in first year appropriations to various Hospital Board institutions. The authorization in the House version merely reflected the Appropriations Committee's effort to get General Revenue appropriations within the then-existing official forecast by the Comptroller.

A second example of apparent haste lies in the veto message's argument that a conflict existed between a special provision authorizing the Hospital Board to select and acquire a site for the new senile home, and a general provision requiring authorization by the Legislature for establishing new or additional institution. Relying on many past precedents set by Attorneys General opinions that a special provision takes precedence over a general provision, the Conference Committee had concluded that the special provision itself constituted legislative authorization.

ARTICLE II, HOSPITAL & SPECIAL SCHOOLS
(Continued)

Street repairs, Colored Girls Training School, Crockett

\$6,500.

The Governor's veto power fell less heavily on Youth Council institutions, this being the only item deleted. It is not too consequential. Curiously, duplex residences for staff amounting to \$60,000 at the Mountain View School for Boys and the Gainesville School for Girls were allowed to stand, although identical items for institutions under the Hospital Board were stricken. Moreover, while the veto fell heavily on "new items" added by the Conference Committee, a \$100,000 item in the Youth Council's central office for psychiatric diagnosis and treatment (not requested in the original budget submission nor authorized in any other drafts of the appropriations bill) was allowed to stand.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES

Airport & Aeronautical Facilities, Aeronautics Commission, special fund, \$200,000.

A conviction that the need for such facilities is not critical and that more pressing needs of the State should be met before using funds for such purposes, are cited reasons for the Governor's veto. However, by law, moneys in the Aircraft Fuel Tax Fund may not be used for purposes other than the Aeronautics Commission's programs.

It should be noted that this particular Fund accumulates its moneys from gasoline taxes paid on exempt uses but never claimed in refunds. Private pilots, particularly, generally fail to claim refunds on taxes paid on exempt aviation fuels, believing that they can thereby contribute to the improvement of private flying. The Legislative effort to authorize some of such moneys to the development of community airstrips reflected the experience of other states, although it was the first instance of such appropriations in Texas.

Screwworm Eradication Program, Animal Health Commission, Game & Fish Fund, \$300,000.

Veto of this item leaves the screwworm eradication program inadequately financed, at least temporarily.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

The Governor viewed it as an improper diversion of moneys dedicated by law to the conservation of game and fish.

Curiously, the Conference Committee had carefully examined the identical issue of policy. But upon its noting that 80% of the fawn crop is killed by screwworms in some seasons, and after carefully ratioing official estimates of wild game to domesticated livestock in Texas, both by quantity and value, the Conference Committee had concluded that the appropriation represented conservation's "fair share" of eradication costs. Veto of the item tends to put total costs of eradication, from which sportsmen benefit, upon livestock growers and taxpayers generally.

In any case, the vetoed sum cannot be legally applied to the improvement of higher education.

Construction of a new State Finance Building, Building Commission, \$3,600,000.

The veto proclamation notes that there are seven major and 18 minor installations of electronic data processing equipment now in state agencies in Austin, but concludes that insufficient study has been given to the concept of centralizing such facilities in a single building operated by a single agency.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

The need for such study cannot be contested. By special language the Legislature had sought to give the Governor's Office power to coordinate such a study, and increased positions and money authorized for the State Auditor in whom the law vests authority for prescribing efficient accounting systems. Thus, the Legislature and the Governor are in agreement upon a common objective.

Veto of the item does not appear to be consequential. Such funds will accumulate in the Constitutional Building Fund, which may be used only for new construction, modernization and improvement of State buildings.

Claims Against the State, General Revenue, \$1,000,000.

The Governor unquestionably was correct in his reasons for vetoing this item.

Traditionally, Texas Legislatures have authorized or validated claims against the State in one bill but has appropriated the money to pay such claims in the general appropriations bill. However, the wording in the 58th Legislature's claims bill, H.B. No. 804, varied from past precedent.

Although both the caption and the body of H. B. 804 contains references to paying the validated claims from sums appropriated in the general appropriations bill, the phrasing of individual items constitutes appropriation language, and the claims bill was enacted subject to certification by the Comptroller.

ARTICLE III, EXECUTIVE AND ADMINISTRATIVE AGENCIES
(Continued)

On June 10, the Attorney General's Department wrote the Governor that H. B. 804 is itself an appropriations act.

Thus, appropriations were duplicated for identical items. The Governor wisely resolved the duplication by vetoing the item in the General Appropriations bill.

The veto, however, does not represent a \$1,000,000 "saving" as the proclamation implies. In the first place, the Comptroller did not count the identical sum twice in comparing appropriations to available revenues. In the second place, the effects of H. B. 804 are still under detailed analysis by the Comptroller's staff. Because it "appropriates" money to pay authorized claims from a variety of state funds, including the Omnibus Tax Clearance Fund, some of which affect directly or indirectly the flow of revenues into the General Revenue Fund, the precise "saving" that results from the veto is not yet known. Legislative budget examiners estimates it will total somewhere in the magnitude of \$400,000.

Completion of Goree Prison Unit construction items, and removal of plague from Huntsville unit, general revenue
\$292,200.

H. B. 86 as enacted by the Legislature merely reflected the Department of Corrections' request for the Goree unit. However, the veto proclamation accurately notes that there is latitude under the Act for the Board of Corrections to complete the work from other fund sources.

ARTICLE III, EXECUTIVE AND ADMINISTRATIVE AGENCIES
(Continued)

The veto message said nothing about removal of the plaque. Indeed, the Department of Corrections itself was not sure to which plaque the language had referred.

Office of the Regulatory Loan Commissioner, general revenue, \$250,000.

Here also the Governor's grounds for veto appear unquestionable. It may be worth noting, however, that interpretations of the effect of language in the Regulatory Loan Act shifted between the Legislative session and the point of decision by the Governor.

During the Legislative session, the interpretation of the Comptroller's staff was that the Regulatory Loan Act was silent on disposition of license receipts imposed by it; therefore, under Constitutional provisions, and past precedents, such receipts would have to be deposited in the General Revenue fund. This meant the Legislature needed to appropriate out of General Revenue for the expenses of administering the Act, which was done by the item in question.

On May 31, 1963, however, in answer to a request by Chairman J. M. Falkner of the State Finance Commission, the Attorney General held in Opinion No. C-88 that moneys collected under the Regulatory Loan Act are to be retained by the Regulatory Loan Commission for enforcing the act, and that such moneys were not subject to appropriation by the Legislature.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

Provision requiring Attorney General's approval of
Insurance Liquidator \$0.00.

At page III-107 of H. B. No. 86 there is a provision reading as follows:

"The State Liquidator shall be appointed by a majority of the Board of Insurance and this appointment shall be subject to the approval of the Attorney General of Texas. None of the money herein appropriated for Board Member's salaries shall be paid by the State Comptroller until the Attorney General's approval of this appointment has been obtained."

Copies of the Governor's veto proclamation released for use of the press contained an executive veto of this language provision, then a revision the next day excluded it. The official proclamation filed with the Secretary of State, however, seeks to veto the provision.

It is respectfully recommended that the Attorney General be questioned as to whether that is a valid exercise of executive veto authority. The provision is not an item of appropriation. It tracks the basic statute governing the method of appointing the Liquidator, but does add a condition for the expenditure of certain appropriated funds: that the Attorney General also shall approve the appointment.

In the public interest, two questions might properly be posed for an opinion by the Attorney General. One is whether the veto is a Constitutional exercise of executive power. The other is whether the provision is correctly worded to be actually germane and valid in an appropriations act.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

Construction of roads in State Parks. State Highway Fund, \$300,000.

It is believed the Governor was misadvised respecting this item. His veto apparently was based on belief that park roads do not need to meet farm-to-market road specifications, and that the Highway Department already is spending more than \$150,000 a year on park roads.

H. B. No. 86 had designated farm-to-market road specifications merely because these are the minimum specifications commonly used by the State Highway Department. Depending on usage, there are four standards for such roads. Some costs as little as \$5,000 per mile, others average as high as \$24,000 per mile, depending on both usage and terrain.

Under present practice, the Highway Department only builds roads to a State Park and a loop road within the park. Last year only \$100,000 was expended for such purposes.

Under past practice, the State Parks Board through inter-agency contracts with the Highway Department has obtained additional roads within State Parks needed to reach particular facilities. Such road construction money had been deleted from the Parks Board's requested appropriations for the next biennium. It was the Conference Committee's understanding that such roads could be constructed by the Highway Department out of the Highway Fund, but that authorizing language to do so was desirable.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

Finally, some per-mile costs based on recent experience may be worth noting. The road to Eisenhower State Park cost about \$12,000 per mile; roads inside the park averaged \$9,523 per mile. Park Roads at Lake Corpus Christi averaged \$10,526 per mile; at Inks Lake State Park, \$9,589 per mile. Topping a road at Huntsville State Park cost \$4,500 per mile.

Major Park Improvements, Parks and Wildlife Department,
general revenue--

Daingerfield State Park	\$ 21,000
Washington State Park	5,500
Monahans Sandhills State Park	4,000
Tyler State Park	128,000
Stephen F. Austin State Park	84,750
Lake Brownwood State Park	124,900
Atlanta State Park	21,000
Davis Mountains State Park	58,900
Ole Baylor State Park (rider)	<u>3,850</u>
Sub-total	\$ 451,900
Less, duplication of rider amount	<u>(3,850)</u>
Total	<u>\$ 448,050</u>

The veto message's explanation of these deletions strongly suggest that the Governor was not fully informed of actual Legislative intent. Thus, the failure of H. B. No. 86 to provide \$250,000 for developing Wheatley State Park was considered as an instance of wilful negligence. Actually, the budget offices and the Conference Committee had been reliably advised that the donors had changed their minds respecting this property.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

To be sure, they had given the State a clear title conditioned upon the State appropriating money to develop it into a park.

Subsequently, Mr. Wheatley became ill. Mrs. Wheatley wished to retain title to the land for use as long as either she or her husband survived, with a proviso that it would go to the State thereafter. Mrs. Wheatley's wish was considerably discussed in Conference Committee. It was late in the session. A separate act or resolution by the Legislature acceding to her request would take time. The simplest step to revert the title seemed to be to fail to appropriate the money required as a condition in the existing deed. The Committee's motivation was solely one of grateful consideration.

The veto proclamation asserts that recommendations of the Texas Tech study of needs in State Parks were disregarded. This cannot be objectively determined. The "master plan" called for by appropriation to Texas Tech nearly two years ago has never been completed and filed with any State agency. Legislative budget examiners have been informed it may be completed by next Sept. 1, some five months after it was originally promised. In any case, it will represent a thoughtful recommendation, and is not binding on the Legislature.

The veto message also notes that "the Conference Committee knocked out funds needed to complete the Texas Tech study."

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

The item referred to was not to complete the study. Originally it had been recommended to give engineering assistance, to conduct annual "short courses" for Park Rangers, and to permit graduate students at Texas Tech to conduct research on historic, scientific, and economic aspects of State Parks. Consolidation of the State Parks Board and the Game & Fish Commission into a new Parks and Wildlife Department, and uncertainty as to how the new Department might wish to proceed, had led the Conference Committee to delete the item pending more definite requests and plans from the new Department.

The veto message also stated that the new "Parks and Wildlife Commission will inherit considerable reappropriated funds for capital improvements..." The reference probably is to any balance in the \$700,000 appropriated for major park improvements in the current biennium, which indeed were re-appropriated for use by H. B. No. 86.

However, uncommitted balances may not be substantial. Currently, the only major item appears to be \$24,000 which was the amount allocated for water facilities at Bastrop State Park upon former Governor Price Daniel's approval without Budget Board advice in the last few days of his administration. It is unlikely the item will be immediately expended pending negotiation of agreements with the city of Bastrop.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

Nevertheless, in the overall view it is doubted if the parks program for the State has been materially affected by the Governor's action. Haste makes waste. So do over-appropriations. The new Parks and Wildlife Department is entitled to opportunity to organize, plan its operations, and carefully schedule major improvements.

One technical point of significance emerged from this analysis. The Governor apparently desired to veto a provision which reads as follows:

"The Parks and Wildlife Department may expend out of item 13B not to exceed \$3,850 by inter-agency contract with the Texas Highway Department for roadside park facilities at Ole Baylor."

Item 13B reads:

"Purchase of trucks and mowers \$32,500 \$32,500."

It is respectfully suggested that the language provision is not an item of appropriation, and therefore not subject to veto. The language provision merely expresses the purpose and conditions under which a limited amount of a specified appropriation may be expended. It appears to be entirely germane to an appropriations act. Moreover, the appropriation item designated "13B" does not appear to have been touched by the veto proclamation which deletes specified projects in appropriation items numbered 13A and 13C.

These increases and others that move us forward bring the appropriation total to more than \$3.6 billion for the 1966-67 biennium, an increase the current biennium of more than \$500,000,000. Moreover, Senate Bill 4 des an additional \$70,000,000 for public school teacher pay raises.

ARTICLE III, EXECUTIVE & ADMINISTRATIVE AGENCIES
(Continued)

It is suggested that the Attorney General be requested for an opinion on whether the Governor's veto proclamation did, in fact, seek to delete the quoted language provision; and, if it did, whether it is a valid exercise of the Governor's veto power. The suggestion derives not from a quarrelsome spirit, but only from a sincere desire to keep our precedents clean and clear for future Governors and Legislatures.

Upper Red River Flood Control & Irrigation Dist.,
general revenue, \$10,000.

It is true that the request for this appropriation was made belatedly, and directly to the Legislature. The Texas Water Commission's advice to the Governor that it would consider setting up a gauging station and siltation gauge at the Prairie Dog Fork bridge, probably makes the issue moot. It should be noted, however, that the Water Commission has had ample opportunity to do so before, but had not.

Investigation relating to Evaporation Control Research,
Texas Water Commission, general revenue \$30,000.

The Water Commission's withdrawal of its request for this appropriation item was clearly sufficient basis for the Governor's veto. From the time of its original budget request through House and Senate committee hearings, however, the Water Commission had requested twice the amount finally appropriated. Legislative committees had merely acted in good faith, and upon justifications it deemed to be valid.

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ARTICLE IV -- PUBLIC EDUCATION

The quality of higher education in Texas is too important for present and future generations to be examined in emotional heat. Merely to keep the record straight, as well as to avoid the monotony of repetition, analytical attention needs to be given two statements attributed to the Governor.

In what purports to be excerpts from an address by the Governor televised on the evening of June 11, 1963, there appears this statement:

"These ten men, meeting behind locked doors, added millions to the appropriation bill, including 55 new items totaling over \$9 million not appearing in either the House Appropriation Bill or the Senate Appropriation Bill."

Staff members who regularly worked with the Legislative conferees on H. B. No. 86 cannot recall a meeting of the Conference Committee during which the doors were locked.

The reference to "55 new items totaling over \$9 million not appearing in either the House Appropriation Bill or the Senate Appropriation Bill" also is inaccurate. Analysis of the veto message discloses a number of instances in which failure of either House or Senate versions of the bill to include a project of major repair or rehabilitation to a college building is cited as one of the reasons for veto.

The Governor's attention apparently was not called to the special financing given by the House version of the general appropriations act to a large number of such projects.

These increases and others that move us forward bring the appropriation total to more than \$3.6 billion for the 1966-67 biennium, an increase over the current biennium of more than \$500,000,000. Moreover, Senate Bill 4 provides an additional \$70,000,000 for public school teacher pay raises.

ARTICLE IV -- PUBLIC EDUCATION
(Continued)

It must be remembered that at the time the House Appropriations Committee made its recommendations, a paramount task was to get general revenue appropriations within the Comptroller's then-existing forecast of available moneys.

To do so, that version of the bill proposed to finance modernizing and remodeling certain State college buildings, to the extent of \$1,200,336, out of the State Building Fund in keeping with the Constitutional mandate on the usage of that Fund. Because they were to be financed from that fund, all such projects for all colleges affected were grouped in a separate schedule in the higher education article of the bill. That schedule must have been overlooked or ignored by the staff advising the Governor. There are repeated references in the veto message to failure of the House version of the bill to authorize certain projects, which were in fact authorized and provided for in the House version of the bill.

Press reports of the Governor's televised address infer that H. B. No. 86 as enacted by the Legislature made appropriations sufficient only to meet increased student enrollments in state colleges and universities. Such appropriations totaled \$194,061,058 for the State's 20 colleges and universities for the next biennium, an increase of \$42,721,115 over the current two-year spending level.

These increases and others that move us forward bring the appropriation total to more than \$3.6 billion for the 1966-67 biennium, an increase over the current biennium of more than \$500,000,000. Moreover, Senate Bill 4 provides for an additional \$70,000,000 for public school teacher pay raises.

ARTICLE IV -- PUBLIC EDUCATION
(Continued)

That \$42.7 million increase was due to the following factors:

Addition of the University of Houston to the State system of higher education effective next Sept. 1	\$ 18,724,710
Increased costs due to estimated enrollment increases	15,555,203
For increasing the quality or excellence of higher education (primarily in teaching salaries)	6,570,452
For constructing a new Science Building at Midwestern University	1,738,750
For constructing a building at Prairie View A. & M. College to replace structures lost by fire in 1962	<u>132,000</u>
Total increase in appropriations	\$ 42,721,115

Objective analysis requires mention of one technical point. It should be noted that the typical pattern of appropriation to each State college or university is to build up, by several items, to a total cost of educational and general activities. Local income, such as tuition payments expected from students, is then subtracted in order to arrive at the General Revenue appropriation required.

One of the items in the "build up" is for major repairs and rehabilitation of buildings. When that item is vetoed by the Governor, a question inevitably arises: does the amount of the veto reduce only the General Revenue portion of the appropriation, only the "local income" portion, or is the deleted amount to be distributed proportionally between the General Revenue and "local income" parts of the appropriation?

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These increases and others that move us forward bring the appropriation total to more than \$3.6 billion for the 1966-67 biennium, an increase over the current biennium of more than \$500,000,000. Moreover, Senate Bill 4 provides for an additional \$70,000,000 for public school teacher pay raises.

ARTICLE IV -- PUBLIC EDUCATION
(Continued)

This analysis considers the total amount of an item vetoed to be reduction in the General Revenue appropriation. However, that conclusion is derived on substantive grounds; it does not seek to pre-judge the legal aspects raised by the question.

University of Texas, the Texas Memorial Museum, second year only, \$81,288.

The veto message correctly notes that except for \$15,000 a year provided for the salary and expenses of a full-time archaeologist to work in Texas, the amount for the Museum is the same amount budgeted for the current year. Respecting this item as for some others, the veto proclamation argues that if the vetoed item is urgently needed, the regents or governing board can transfer funds from other sources.

The Governor apparently was not advised that the same reasoning applies in reverse: If the \$81,288 had not been vetoed and was not deemed essential by the regents or governing board, the amount could have been transferred to increase excellence in higher education by adding the amount either to Teaching Salaries, Library, or Organized Research. From what is understood to be the Governor's point of view, this procedure would seem to have been more cogent and constructive.

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ARTICLE IV -- PUBLIC EDUCATION
(Continued)

Texas Western College, repair and rehabilitation items,
\$16,600.

The needs here appear to be entirely judgmental, and under our Constitutional form of Government the Governor is clearly entitled to an independent judgment.

Prairie View A. & M. College, repair and rehabilitation items, \$51,191.

Reasons cited for the veto again suggest the Governor was not fully informed. States the veto message: "This appropriation bill provides \$51,796 for exactly the same buildings for which \$108,682 was appropriated during the current biennium."

In the first instance, the figures are wrong. Perhaps the statement actually intended to mean that the new bill authorized projects totaling \$80,905 for the next biennium, for which \$109,257 was appropriated during the current biennium. More significant, however, is the fact that the Farm Shop (for which \$1,628 was proposed in the new appropriations act) is not the same building as the Farm Shop Annex for which \$4,460 was appropriated in the current biennium; and the fact that other buildings for which funds were appropriated in different biennia involve continuing projects such as renovating one floor of a building at a time, one wing at a time, or entirely unrelated projects, often in the interest of orderly class scheduling and maximum use of structures during the progress of such repairs.

ARTICLE IV -- PUBLIC EDUCATION
(Continued)

Texas Technological College, repair and rehabilitation items, \$36,285.

There should be no disagreement with the finding that "Campus lighting in the immediate vicinity of the new Library is a legitimate charge against the 5¢ ad valorem tax revenue used for the construction of the building itself." Yet, out of approximately 100 street lamps in the proposed project, only five could be reasonably assumed to be in the immediate vicinity of the Library Building. Hindsight is always the better: had the detailed drawings submitted this spring been available in earlier considerations, the cost might have been more wisely distributed 80% - 20% between educational and general buildings and auxiliary enterprise buildings.

North Texas State University, repair and rehabilitation items, \$100,850.

Here again is an instance of an error previously noted in the introductory comment. The Governor apparently acted in the conviction that neither of the two projects had been included in the House version of the bill. In fact, both were included.

The veto proclamation also supposes that for a request of \$49,850 there was appropriated \$94,850 due to an accidental transposition of the digits "4" and "9".

These increases and others that move us forward bring the appropriation total to more than \$3.6 billion for the 1966-67 biennium, an increase over the current biennium of more than \$500,000,000. Moreover, Senate Bill 4 provides for an additional \$70,000,000 for public school teacher pay raises.

ARTICLE IV -- PUBLIC EDUCATION
(Continued)

The facts are these: The independent engineer evaluating the feasibility of this particular project for the Legislative Budget Board, concluded that the requested \$49,850 would provide only a patch job and here was an instance of being "perverse and pound-foolish". Acting upon that engineer's estimates and recommendations, the Budget Board proposed that while the building was torn up, a thorough first-class job of rehabilitation be made. The revised costs happened to total \$94,850. There was no error in transposing figures.

College of Arts and Industries, repair and rehabilitation items, \$28,834.

Here the issues are entirely judgmental. The only factual error discernible is that two of the projects were included in the House version of the bill under a special schedule.

Texas Woman's University, repair and rehabilitation items, \$8,712.

The issues are judgmental.

Texas Southern University, repair and rehabilitation items, \$35,321.

The issues are judgmental.

Midwestern University, repair and rehabilitation items, \$76,199.

The issues are judgmental.

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ARTICLE IV -- PUBLIC EDUCATION
(Continued)

East Texas State College, repair and rehabilitation

items, \$169,217.

Here also the issues appear to be judgmental, although it may be worth noting that the change in descriptive terms was due to last-minute requests and justifications received by the conference committee.

Sam Houston State Teachers College, repairs and rehabilitation items, \$14,645.

Part of the vetoed amount was for rehabilitating the Library Building. The Governor was apparently advised that the appropriation for library books, however, was reduced \$9,922 below the current appropriation and \$128,724 below the amount he had recommended. An analyst must wonder whether he also was advised that the amount appropriated for library books was exactly the amount requested by the College itself.

Southwest Texas State College, repairs and rehabilitation items, \$94,166.

Included in the item vetoed was \$48,750 for air conditioning the Fine Arts Building. Although the issue is judgmental, an analyst again must wonder whether the Governor was advised that the air-conditioning was not proposed for the convenience of students and faculty, but only to provide controlled humidity and temperature for the maintenance of large numbers of pianos and other expensive musical instruments.

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ARTICLE IV -- PUBLIC EDUCATION
(Continued)

Possibly overlooked was the first-year appropriation item of \$59,000 which included \$50,000 for modernizing the College auditorium which did embrace air-conditioning for the convenience of students and the public. Similar projects at other colleges were vetoed.

Panhandle-Plains Historical Museum, first year only,
\$25,000.

The need for the additional wing on the Museum is a matter of judgment. Reasoning behind the veto apparently did not take into consideration particular details (known to the members of the Conference Committee) as to the manner in which private contributions would be made toward construction of the addition, as well as the particular reasons why the funds were not requested in the budget request originally filed with the budget offices in 1962.

Stephen F. Austin College, repairs and rehabilitation items,
\$176,128.

The issues appear to be judgmental, although it should be noted that the Governor is quite correct in observing that the item for converting an old warehouse was contrary to the Legislative Budget Board's advice to him.

Sul Ross State College, repair and rehabilitation items,
\$48,000.

The facts as stated in the veto message are correct; the issue is one of judgment.

Total, Article IV items vetoed, all assumed to be
General Revenue, \$937,436

Items Vetoed by Governor from
H. B. 86, 58th Legislature, 1963

Funds Appropriated in
H.B. 12, 59th Legislature, 1965

Building Commission
Project Analysis, 1966

Austin State Hospital--Maintenance Shop	\$ 85,000	\$ 90,000	
Big Spring State Hospital--Warehouse Addition	52,000	55,000	
3 staff residences	60,000		
Kerrville State Hospital--Street Lighting	20,000	(Financed with Unexpended Balances)	
Rusk State Hospital--Maintenance Shop	52,000	90,000	
Warehouse	110,000	102,000	
San Antonio State Hospital--Maintenance Shop	70,000	98,000	
Street and Area Lighting	45,000	(Financed with Unexpended Balances)	
Terrell State Hospital--Warehouse	135,000	185,000	
Wichita Falls State Hospital--Warehouse	135,000	135,000	
Abilene State School--Auditorium, Gymnasium, Recreation, and Classroom Building	200,000		440,459
Denton State School--Two Staff Residences	30,000		83,675
Lufkin State School--Expansion Program	1,390,000	2,050,000	2,472,334
Mexia State School--Auditorium, Gymnasium, and Recreation Building	200,000	225,000	
Travis State School--Auditorium, Gymnasium, and Recreation Building	150,000		607,209
Canteen and Barber Shop	60,000		
New Institution for Mentally Ill and Senile Persons to Replace Confederate Home for Men	2,200,000	1,860,000	
Rusk State Hospital--Water System Improvements 1		138,000 (Vetoed)	150,378
H.B. 12 item			

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